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FACSIMILE COVER SHEET

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DATE: February 5, 2004

Our File No. 10890-1C

ADDRESSEE/ U.S.P.T.O.

FAX NO./ (703) 872-9306

SENDER/ J. Wayne Anderson

FAX NO./ (613) 952-6082

NO. OF PAGES (INCLUDING COVERING PAGE)/ (10)
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COMMENTS/COMMENTAIRES:

SEE ATTACHED

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Applicant(s): Bernard Massie et al

Serial No: 10/656,372

Filing Date: 09/08/2003

Examiner: Donna C. Wortman Art Unit: 1648

Title: **Efficient Generation of Adenovirus-based Libraries**

Docket No: 10890-1C

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April 20, 2004

To: The Commissioner of Patents
and Trademarks
Washington, D.C. 20231
U.S.A.

OFFICE OF PETITIONS

Sir:

PETITION FOR GRANTING OF A FILING DATE

It is hereby requested that the filing date of the Divisional application be accorded the original filing date of September 8, 2003 as submitted to the USPTO.

The circumstances involved are that when the above application was filed in the USPTO on September 8, 2003, the papers submitted inadvertently omitted a copy of the parent application 09/843,949 filed 04/30/2001 now US Patent No. 6,642,052 issued November 4, 2003. The papers did include however a copy of the original Declaration; a copy of the original Assignment document; a Preliminary Amendment to insert the parent application information into the original specification; the filing fee; and the Utility Patent Application Transmittal, indicating in Box 18 that this application is a Divisional of prior application 09/843,949. We enclose a copy of the Transmittal with the OIPE stamp dated SEP 08 2003 for your records (A).

We received a Notice of Incomplete Nonprovisional Application dated 12/15/2003 asking for the missing specification (Copy returned herewith as B). A Response to this notice is enclosed (filed on 2 February, 2004 as C), thereby submitting the specification from the parent application 09/843,949 filed 04/30/2001 now US Patent No. 6,642,052 issued November 4, 2003 and a Missing Parts fee of \$130.00.

04/22/2004 SDEHE031 00000100 10656372 130.00 OP
01 FC:1460

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We further received a Notice to File Missing Parts of Nonprovisional Application dated 03/25/2004 (copy returned herewith as D) giving a granted filing date of 02/04/2004 and two months in which to submit an oath or declaration and a Sequence Listing.

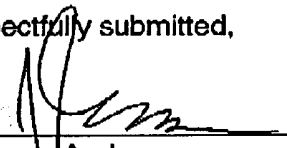
We believe that the specification and a newly executed oath or declaration was not necessary for a filing date and we hereby request that this application be granted the filing date of September 8, 2003 as a Divisional application of 09/843,949 filed 04/30/2001 now US Patent No. 6,642,052 issued November 4, 2003.

In Response to the Notice to file Missing Parts, we enclose a Statement 37 CFR 1.821(e) regarding the Sequence Listing.

We believe that the Petition Fee was paid on February 2, 2004. If this is not the case, we hereby authorize you to charge the Required Fee of \$130.00 to our **Mastercard Credit Card**. The required Form PTO-2038 is attached herewith.

We hereby authorize you to deduct any deficiency of the fee stated above or credit to this amount to our **Deposit Account 14-0429**.

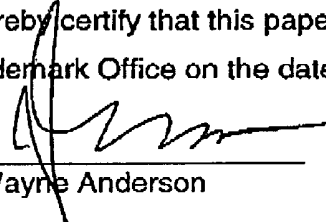
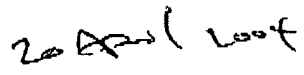
Respectfully submitted,


J. Wayne Anderson
Patent Agent for Applicant
Regn No: 28,158

:img
National Research Council Canada
Intellectual Property Services Office
M-58, EG-12, Montreal Road
Ottawa, Ontario K1A 0R6 Tel: 993-3899

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.


J. Wayne Anderson
April 20, 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Applicant(s): Bernard Massie et al
Serial No: 10/656,372
Filing Date: 09/08/2003
Examiner: Donna C. Wortman Art Unit: 1648
Title: **Efficient Generation of Adenovirus-based Libraries**
Docket No: 10890-1C

April 20, 2003

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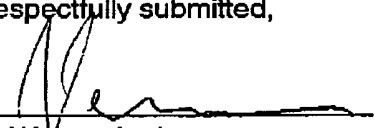
To: The Commissioner of Patents
and Trademarks
Washington, D.C. 20231
U.S.A.

STATEMENT 37 CFR 1.821(e)

Sir:

The computer readable form in this application, 10/656,372, is identical with that filed in Application Number 09/843,949 filed 04/30/2001 now US Patent No. 6,642,052 issued November 4, 2003 and with that filed in Application Number 09/258,209 filed February 26, 1999 now US Patent No. 6,291,226 issued September 18, 2001. In accordance with 37 CFR 1.821(e), please use the first-filed computer readable form filed in that application as the computer readable form for the instant application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the computer readable form that will be used for the instant application. A paper copy of the Sequence Listing is included in the originally-filed specification of the instant application.

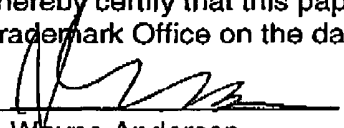
Respectfully submitted,



J. Wayne Anderson
Patent Agent for Applicant
Regn No: 28,158 Tel: 613-993-3899

:ech

CERTIFICATE OF FACSIMILE TRANSMISSION

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J. Wayne Anderson


April 20, 2004

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 U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE
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UTILITY PATENT APPLICATION TRANSMITTAL (Only for new nonprovisional applications under 37 CFR 1.53(b))	Attorney Docket No.	10890-1C
	First Inventor	Bernard Massie et al
	Title	Adenovirus Mutants with Deleted Protease Gene...
	Express Mail Label No.	

APPLICATION ELEMENTS See MPEP chapter 600 concerning utility patent application contents.	ADDRESS TO: Assistant Commissioner for Patents Box Patent Application Washington, DC 20231
1. <input checked="" type="checkbox"/> Fee Transmittal Form (e.g., PTO/SB/17) (Submit on original and a duplicate for processing) 2. <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. 3. <input type="checkbox"/> Specification (Total Pages <input type="text"/>) (preferred arrangement set forth below) - Descriptive title of the invention - Cross Reference to Related Applications - Statement Regarding Fed sponsored R & D - Reference to sequence listing, a table or a computer program listing appendix - Background of the invention - Brief Summary of the invention - Brief Description of the Drawings (if filed) - Detailed Description - Claim(s) - Abstract of the Disclosure 4. <input type="checkbox"/> Drawing(s) (35 U.S.C. 113) [Total Sheets <input type="text"/>] 5. Oath or Declaration [Total Pages <input type="text"/>] a. <input type="checkbox"/> Newly executed (original or copy) Copy from a prior application (37 CFR 1.63 (d)) b. <input checked="" type="checkbox"/> (for continuation/divisional with Box 18 completed) i. <input type="checkbox"/> DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.89(d)(2) and 1.33(b). 6. <input type="checkbox"/> Application Data Sheet. See 37 CFR 1.78	7. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix) B. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary) a. <input type="checkbox"/> Computer Readable Form (CRF) b. Specification Sequence Listing on: i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or ii. <input type="checkbox"/> paper c. <input type="checkbox"/> Statements verifying identity of above copies ACCOMPANYING APPLICATION PARTS 9. <input checked="" type="checkbox"/> Assignment Papers (cover sheet & document(s)) 10. <input type="checkbox"/> 37 CFR 3.73(b) Statement [Power of Attorney] (when there is an assignee) 11. <input type="checkbox"/> English Translation Document (if applicable) 12. <input type="checkbox"/> Information Disclosure [Copies of IDS] Statement (IDS)/PTO-1449 [Citations] 13. <input checked="" type="checkbox"/> Preliminary Amendment 14. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) (Should be specifically itemized) 15. <input type="checkbox"/> Certified Copy of Priority Document(s) (if foreign priority is claimed) 16. <input type="checkbox"/> Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent. 17. <input type="checkbox"/> Other:

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

<input type="checkbox"/> Continuation	<input checked="" type="checkbox"/> Divisional	<input type="checkbox"/> Continuation-in-part (CIP)	of prior application No. <u>09, 843,949</u>
Prior application Information:		Examiner: <u>Donna C. Wortman</u>	Group Art Unit: <u>1648</u>

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS					
<input checked="" type="checkbox"/> Customer Number or Bar Code Label <input type="checkbox"/> Correspondence address below					
Name <u>J. Wayne Anderson</u>					
Address <u>National Research Council of Canada, Bldg. M-58,</u>					
<u>Room EG-12, Montreal Road</u>					
City	<u>Ottawa</u>	State	<u>ON</u>	Zip Code	<u>K1A 0R6</u>
Country	<u>Canada</u>	Telephone	<u>(613)993-3899</u>	Fax	<u>(613)952-6082</u>

Name (Print/Type)	<u>J. Wayne Anderson</u>	Registration No. (Attorney/Agent)	<u>28,158</u>
Signature	<u>[Signature]</u>	Date	<u>5 Sep 2003</u>

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

TOTAL P.02



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Applicant(s): National Research Council of Canada

Serial No: 10/656,372

Filing Date: 09/08/2003

Title: Adenovirus Mutants with Deleted Protease Gene...

Docket No: 10890-1C

February 2, 2004

To: The Commissioner of Patents
and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450
U.S.A.

Attention: Application Processing Division,
Special Processing and Correspondence Branch

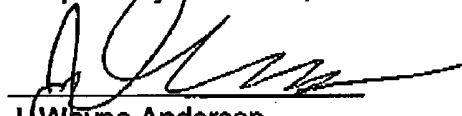
Sir:

In response to your correspondence of 12/15/2003, we now enclose a copy of the Notice to File Missing Parts of Application, together with a copy of the specification.

We hereby authorize you to charge the Required Fee of \$130.00 to our Mastercard Credit Card. The required Form PTO-2038 is attached herewith.

We hereby authorize you to deduct any deficiency of the fee stated above or credit to this amount to our Deposit Account 14-0429.

Respectfully submitted,



J. Wayne Anderson
Patent Agent for Applicant
Regn No: 28,158

:lmg
Tel: 613-993-3899

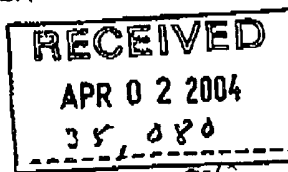


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APPLICATION NUMBER	FILING OR 371(a) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/656,372	02/04/2004	Bernard Massie	10890-1C

25277

 NATIONAL RESEARCH COUNCIL OF CANADA
 1500 MONTREAL ROAD
 BLDG M-58, ROOM EG12
 OTTAWA, ONTARIO, K1A 0R6
 CANADA


EC-12 Filing Cabinet

CONFIRMATION NO. 8255

FORMALITIES LETTER



OC000000012179526

Date Mailed: 03/25/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration does not cover the newly submitted items.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.


For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600

- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*



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Initial Patent Examination Division (703) 308-1202

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